

★ FEB 21 2012 ★

b/f

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X  
LEONARD GARNER,

**ORDER**

Petitioner,

**10-CV-2767 (NGG)**

-against-

WARDEN DUKE TERRELL,

Respondent.

-----X  
NICHOLAS G. GARAUFIS, United States District Judge.

Petitioner Leonard Garner has petitioned this court for a writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, alleging that a condition of his confinement in the Metropolitan Detention Center of Brooklyn, New York, is unconstitutional. (Amended Pet. for Writ of Habeas Corpus (Docket Entry # 4) at 1-2.) The court issued an Order to Show Cause why a writ of habeas corpus should not issue to the United States. (Docket Entry # 5.) The United States has responded with evidence that Garner has been released from custody. (Reply in Opposition to Habeas Petition (Docket Entry # 6) at 1.) Garner's petition challenged only the conditions of his confinement, not his conviction or collateral consequences to it. (See Amended Pet. at 1-2.) Therefore, his release from detention means that he is no longer "in custody" as 28 U.S.C. §2241(c) requires for the writ to issue, and there is no relief that this court may grant. Garner's petition is dismissed as moot. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: Brooklyn, New York  
February 16, 2012

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS  
United States District Judge